

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 8/24/2020

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JAYSON TAYLOR, KRYSTAL WONGWON-REGIS,  
ANGEL BENITEZ, VICTOR NDUBUISI, and  
PAMELA ALEXANDER, on behalf of  
themselves and others similarly situated,

Plaintiffs,

-against-

NYC HEALTH + HOSPITALS and MITCHELL KATZ,  
in his official capacity as President and Chief Executive  
Officer of NYC HEALTH + HOSPITALS,

Defendants.

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Index No. 19-CV-7086

**THIRD AMENDED  
ORDER APPROVING  
SENDING OF NOTICE  
OF LAWSUIT WITH  
CONSENT TO  
BECOME PLAINTIFF  
FORM AND  
QUESTIONNAIRE**

Having reviewed and approved the proposed Notice of Lawsuit against NYC Health + Hospitals filed on June 30, 2020 (Dkt. No. 43), and having directed the parties to submit amended notices and an amended proposed order to the Court that will govern the dissemination of the amended notices (Dkt. No. 53), the Court Orders as follows:

1. The Court adopts the attached (a) Amended Notice of Lawsuit against NYC Health + Hospitals and (b) Amended Notice of Lawsuit against NYC Health + Hospitals (SSEU) for use in this case (together, the “Amended Notices”).
2. Notice of this lawsuit will be sent to all members of District Council 37, AFSCME, AFL-CIO (“DC 37”), who have worked at NYC Health + Hospitals for any period since July 30, 2016, in the titles set forth in each Exhibit A of the Amended Notices.
3. By September 10, 2020, DC 37 shall mail the following items to each person who falls within the definition set forth in paragraph two of this Order, to the extent the information is maintained in DC 37’s records: the applicable Amended Notice of Lawsuit, the applicable

Consent to Become Plaintiff form, a Questionnaire, and the applicable postage pre-paid return envelope (“the Notice package”).

4. By September 25, 2020, Defendant H+H will provide to DC 37’s counsel, in a searchable excel spreadsheet, a list of the: (a) full name, (b) last-known home address, (c) personal e-mail address, and (d) home phone number of each person who falls within the definition set forth in paragraph two of this Order to the extent the information is maintained in H+H’s PeopleSoft system. DC 37’s counsel will treat this information as confidential and will not disclose it to third parties, except for SSEU Local 371’s counsel.

5. By October 10, 2020, DC 37 shall mail a Notice package to each person who appears on Defendant H+H’s list who was not included in DC 37’s initial mailing.

6. Any person who wishes to opt into this lawsuit must complete the respective Consent to Become Plaintiff form and return it to either Plaintiffs’ counsel or SSEU Local 371’s counsel by mail postmarked on or before November 9, 2020, or by e-mail sent on or before November 9, 2020. Plaintiffs’ counsel and SSEU Local 371’s counsel will retain copies of the envelopes as proof of postmark, and copies of e-mails as proof of date sent. Any potential opt-in plaintiff whose Consent to Become Plaintiff form is postmarked or e-mailed after November 9, 2020 will not be able to participate in this lawsuit.

7. If any Notice package is returned undeliverable, Plaintiffs’ counsel or SSEU Local 371’s counsel will attempt to contact the addressee of the returned Notice package by e-mail or phone call to obtain an alternate address, so that counsel may resend the Notice package to the alternate address. If there is insufficient time to resend the Notice package by mail, or if the addressee permits receipt by e-mail, the Notice package may be e-mailed to the addressee

and the addressee may return the Consent to Become Plaintiff form by e-mail to the respective counsel.

8. When the notice period ends, Plaintiffs' counsel and SSEU Local 371's counsel will prepare a list of the people who timely returned their executed Consent to Become Plaintiff forms and the dates on which each form was postmarked or electronically sent. Plaintiffs' counsel and SSEU Local 371's counsel will file their lists and the timely Consent to Become Plaintiff forms with the Court by December 14, 2020. Plaintiffs' counsel and SSEU Local 371's counsel may also file their lists and forms in intermittent batches during the notice period and through December 14, 2020.

SO ORDERED.

Dated: August 24, 2020  
New York, New York

  
\_\_\_\_\_  
Gregory H. Woods  
United States District Judge

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAYSON TAYLOR, KRYSTAL WONGWON-REGIS,  
ANGEL BENITEZ, VICTOR NDUBUISI, and  
PAMELA ALEXANDER, on behalf of  
themselves and others similarly situated,

No. 19-CV-7086 (GHW)

Plaintiffs,

(Jury Trial Demanded)

-against-

NYC HEALTH + HOSPITALS and MITCHELL KATZ,  
in his official capacity as President and Chief Executive  
Officer of NYC HEALTH + HOSPITALS,

Defendants.

-----X

**AMENDED NOTICE OF LAWSUIT  
AGAINST NYC HEALTH + HOSPITALS**

**TO:** All members of District Council 37, AFSCME, AFL-CIO (except for members of SSEU Local 371, who are covered by separate notice), who have worked in the titles set forth in Exhibit A at NYC Health + Hospitals for any period since July 30, 2016.

**DO NOT DISCARD – PLEASE READ THIS ENTIRE NOTICE**

The purpose of this Notice is to: (1) notify you that a collective action lawsuit under the Fair Labor Standards Act (“FLSA”) has been filed against NYC Health + Hospitals (“H+H”); (2) describe who may be a plaintiff in the lawsuit; (3) inform you that you have the right to join the lawsuit; (4) instruct you how to join the lawsuit should you wish to do so; (5) advise you of how this lawsuit may affect your rights; and (6) inform you of your options for representation in the lawsuit.

**THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE FEDERAL DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK. THE COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF THE PLAINTIFFS' CLAIMS OR DEFENDANTS' DEFENSES. FURTHERMORE, RECEIPT OF THIS NOTICE DOES NOT INDICATE THAT YOU HAVE A CLAIM OR ARE ENTITLED TO RECOVERY.**

**1. Description of the Collective Action Lawsuit**

On July 30, 2019, Plaintiffs Jayson Taylor, Krystal Wongwon-Regis, Angel Benitez, Victor Ndubuisi, and Pamela Alexander, on behalf of themselves and on behalf of others similarly situated, filed this collective action lawsuit against Defendants H+H and Mitchell Katz,

in his official capacity as President and Chief Executive Officer of H+H. The Complaint alleges that H+H, when compensating employees for performing overtime work at a rate of time-and-a-half, did not include certain contractual additions to the employees' rates like night shift differential or longevity in violation of the FLSA. Because H+H did not include these additions, plaintiffs allege that those employees were underpaid for their overtime work.

The case is in its early stages and does not have a trial date yet. To date, over 200 DC37 members/employees have opted-in to the lawsuit.

## **2. Composition of the Collective Action**

Plaintiffs seek to sue on behalf of themselves and also on behalf of all members of District Council 37, AFSCME, AFL-CIO ("DC 37"), who have worked in the titles set forth in Exhibit A at H+H at any time since July 30, 2016 and who have worked in excess of 40 hours in any week.

## **3. Right to Participate or Not Participate in this Lawsuit**

If you worked in any of the DC 37 represented titles set forth in Exhibit A in the last three years and worked in excess of 40 hours in a workweek, you have the right to participate in this lawsuit. You do **not** need to have any records of your wages or the hours you worked.

You are entitled to participate even if you were not working in this country legally at the time or are currently not working legally. You will not be asked about your immigration status, work permit, or immigration papers, and you do not need to be a documented worker in order to collect any monies recovered from Defendants in this lawsuit.

It is your own decision whether to join the lawsuit by signing the form and mailing it to Plaintiffs' counsel. Defendants are prohibited from retaliating against you in any way for joining this case, including taking any action based on your immigration status.

If you do not want to join this lawsuit, you do not need to do anything. You will not be included in this lawsuit and will not receive any money from it for your FLSA claim.

## **4. How to Join the Lawsuit**

**To join this lawsuit, you must sign, date, and print your name and address on the attached "Consent to Become Plaintiff" form and mail it to Plaintiff's counsel at the below address so that it is postmarked by NOVEMBER 9, 2020, which is the last day that plaintiffs can join or "opt-in" to this lawsuit.**

Plaintiffs' counsel's address is:

H+H FLSA Collective Action  
c/o Daniel Doeschner  
Greenberg Burzichelli Greenberg  
3000 Marcus Ave, Ste 1W7  
Lake Success, NY 11042

Telephone: (516) 570-4343  
Fax: (516) 570-4348  
[ddoeschner@gbglawoffice.com](mailto:ddoeschner@gbglawoffice.com)

For your convenience, a self-addressed, postage paid envelope is enclosed. Please also fill out and return the enclosed questionnaire as well so that we have your contact information should we need to communicate with you. Plaintiffs' attorneys will file your consent form with the Court.

Should you have any questions, please contact Plaintiffs' counsel at the information above or Robert Burzichelli, counsel for Plaintiffs, at (516) 570-4343,  
[rburzichelli@gbglawoffice.com](mailto:rburzichelli@gbglawoffice.com).

**Please note that if you fail to return the completed form in an envelope postmarked by NOVEMBER 9, 2020, you will not be included in this lawsuit.**

## **5. Effects of Joining the Lawsuit**

If you choose to join this lawsuit, you will become a plaintiff and will be bound by the Court Judgment or settlement, if any, of the parties involved. That is, when the Court decides whether H+H violated the FLSA, that decision will apply to all persons who joined the lawsuit. You also may be asked to provide testimony and information, including producing documents, to help the Court decide if the defendants violated the FLSA.

If you join this lawsuit, you may designate plaintiffs' counsel as your attorneys, and you will be entitled to communicate with, provide input, and receive advice directly from them. Plaintiffs' counsels are being paid on a contingency fee basis, which means that if there is no recovery, the attorneys will not charge you a fee for their service. If there is a recovery, plaintiffs' counsels will be paid their reasonable attorneys' fees, expenses, and costs, subject to the approval of the Court.

If you choose **not** to join the lawsuit, you will not be affected by any decisions, judgments or settlement rendered in this case, whether favorable or unfavorable. It is entirely your own decision to join this lawsuit.

## **6. Your Legal Representation if You Join**

Along with Robin Roach, General Counsel, and Steven Sykes, of Counsel, District Council 37, 125 Barclay Street, Room 510, New York, NY 10007, the Law Offices of Greenberg Burzichelli Greenberg, P.C. represents the Plaintiffs in this lawsuit. They are handling this matter on a contingency basis, which means that if there is no recovery, the attorneys will not charge you a fee for their services. If there is a recovery, H+H will pay DC 37 and Greenberg Burzichelli Greenberg, P.C. their reasonable attorneys' fees, expenses, and costs, subject to the approval of the Court. These fees and costs will **not** be paid out of your recovery.

You may elect to be represented by Plaintiffs' counsel or choose your own counsel. If you choose your own counsel, you will be responsible for paying them.

Defendant H+H is represented in this action by the following counsel: The Office of James E. Johnson, Corporation Counsel of the City of New York, 100 Church Street, New York, NY 10007.

**EXHIBIT A**

<b>AMBULANCE TECH</b>	<b>COMMUNITY SERVICE AIDE</b>
<b>AMBULATORY CARE TECH</b>	<b>COMPUTER AIDE - LVL I</b>
<b>ASSOC. CORR. COUNS. LV I</b>	<b>COMPUTER AIDE - LVL II</b>
<b>ASSOC. CORR. COUNS. LV II</b>	<b>COMPUTER PRGRMR ANALYST</b>
<b>AST BIO-MED EQUIP TECH</b>	<b>TRAINEE</b>
<b>AST PRINTNG PRESS OPERATOR</b>	<b>CONSTRUCTION MNGMNT ASSISTANT</b>
<b>ASSOC. ENGINEERING TECH LV I</b>	<b>CORRECTIONAL COUNSELOR</b>
<b>ASSOC. ENGINEERING TECH LV II</b>	<b>CONSULT PUB HLTH/SOC WRK</b>
<b>BEAUTICIAN</b>	<b>DENTAL ASSISTANT</b>
<b>BEHAVIORAL HEALTH ASSOC</b>	<b>DENTAL HYGIENIST</b>
<b>BIO-MED EQUIP TECH</b>	<b>DIETARY AIDE</b>
<b>BOOKKEEPER - LVL I</b>	<b>ELEVATOR OPERATOR</b>
<b>BOOKKEEPER - LVL II</b>	<b>ENGINEERING TECH LVL I</b>
<b>BOOKKEEPER – LVL III</b>	<b>ENGINEERING TECH LVL II</b>
<b>CASHIER</b>	<b>ENGINEERING TECH TRAINEE</b>
<b>CENTRAL SERVICE TECH LI</b>	<b>ENROLLMENT SALES REP-L I</b>
<b>CENTRAL SERVICE TECH LII</b>	<b>ENROLLMENT SALES REP-L II</b>
<b>CERT PHYSICAL THERAPY AST</b>	<b>ENROLLMENT SALES REP-L III</b>
<b>CITY CUSTODIAL ASSISTANT</b>	<b>ENROLLMENT SALES REP-MDCR-L I</b>
<b>CITY LABORER</b>	<b>ENROLLMENT SALES REP-MDCR-L II</b>
<b>CLAIM SPECIALIST - L I</b>	<b>ENROLLMENT SALES REP-MDCR-L III</b>
<b>CLAIM SPECIALIST - L II</b>	<b>ENROLLMENT SALES REP AST</b>
<b>CLAIM SPECIALIST – L III</b>	<b>HEMODIALYSIS PAT CARE TEC</b>
<b>CLERICAL ASSOCIATE - L II</b>	<b>HOUSEKEEPING AIDE</b>
<b>CLERICAL ASSOCIATE - L III</b>	<b>ILLUSTRATOR</b>
<b>CLERICAL ASSOCIATE - L IV</b>	<b>INSTITUTIONAL AIDE</b>
<b>CLERICAL ASSOCIATE -L IVA</b>	<b>INSTRUMENT MAKER (RADIOLOGY)</b>
<b>CLIENT NAVIGATOR - LVL I</b>	<b>INVESTIGATOR (CHS ONLY)</b>
<b>CLIENT NAVIGATOR - LVL II</b>	<b>LICENSED BARBER</b>
<b>COMMUNITY ASSOCIATE</b>	<b>LOCKSMITH</b>
<b>COMMUNTY LIAISON WRK LI</b>	<b>MATERNAL / CHILDCARE TECH</b>
<b>COMMUNTY LIAISON WRK LII</b>	<b>MEDICAL EQUIP REPAIR TECH</b>

MEDICAL EQUIP SPECIALIST  
MEDICAL RECORDS SPECIALIST  
MEDICAL WASTE TECH  
MEDICINE-SURGERY TECH  
MENTAL HEALTH ASSISTANT  
MORTUARY TECHNICIAN  
MOTOR VEHICLE OPERATOR  
NURSE'S AIDE  
NURSE'S AIDE (TRNSPRT ESCRT)  
OCCUPATIONAL THERAPY AST  
OFFICE MACHINE AIDE-L II  
PARALEGAL AIDE - LVL I  
PARALEGAL AIDE - LVL II  
PATIENT CARE ASSOCIATE  
PATIENT CARE TECH  
PATIENT REPRESENTATIVE  
PHARMACY TECHNICIAN  
PLANT MAINT (HOSP)/TENDER  
PRINTING PRESS OPERATOR  
PSYCHTRC/SOCIAL HLTH TECH  
PUBLIC HEALTH ADVISOR-L I  
PUBLIC HEALTH ADVISOR-L II

PUBLIC HEALTH ASSISTANT  
RADIO REPAIR MECHANIC  
RADIO REPAIR TECH  
REHABILITATION TECH  
RESEARCH ASSISTANT  
RESPIRATORY THERAPY AIDE  
RESPIRATORY THERAPY TECH-L I  
RESPIRATORY THERAPY TECH-L II  
SECRETARY - LVL IIA  
SECRETARY - LVL IIB  
SECRETARY - LVL IIIA  
SECRETARY - LVL IIIB  
SERVICE AIDE  
SPEC. CONSULT MENTAL HLT 2  
SUPV PUBLIC HEALTH ADVISOR  
SUPV LOCKSMITH  
SUPV OF GARDENERS  
SURGICAL TECHNOLOGIST LI  
SURGICAL TECHNOLOGIST LII  
TEACHER AIDE (DCC)  
WATCH PERSON

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAYSON TAYLOR, KRYSTAL WONGWON-REGIS,  
ANGEL BENITEZ, VICTOR NDUBUISI, and  
PAMELA ALEXANDER, on behalf of  
themselves and others similarly situated,

No. 19-CV-7086 (GHW)

Plaintiffs,

**CONSENT TO BECOME  
PLAINTIFF**

-against-

NYC HEALTH + HOSPITALS and MITCHELL KATZ,  
in his official capacity as President and Chief Executive  
Officer of NYC HEALTH + HOSPITALS,

Defendants.

-----X

I am employed by NYC Health + Hospitals (“H+H”) or I was employed by H+H for some period of time since \_\_\_\_\_, worked over 40 hours in at least one week during which my regular shift included at least one hour for which I earned a night shift differential. I hereby consent to become a party plaintiff to the above-captioned action arising out of violations of the Fair Labor Standards Act, 29 U.S.C. section 216 (b).

PLEASE CHOOSE ONE:

- I designate Robin Roach, General Counsel; Steve Sykes, of Counsel, District Council 37, 125 Barclay Street, Rm. 510, New York, N.Y. 10007; and Robert J. Burzichelli, Greenberg Burzichelli Greenberg P.C., 3000 Marcus Avenue, Lake Success, N.Y. 11042, as my attorneys.
- I will retain my own attorney and I understand I am responsible for paying them.

Dated: \_\_\_\_\_

\_\_\_\_\_

Signature

\_\_\_\_\_  
Print City, State where signed

\_\_\_\_\_  
Print name above and address below

**ATTORNEY-CLIENT COMMUNICATION & WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**QUESTIONNAIRE**

**THE INFORMATION ENTERED ONTO THIS QUESTIONNAIRE IS FOR  
PLAINTIFFS' COUNSEL ONLY AND WILL NOT BE MADE PUBLIC**

Are you a DC 37 member? Yes / No (Circle one)

If Yes, Local Union No.: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone No.: \_\_\_\_\_

Email: \_\_\_\_\_

Employer: \_\_\_\_\_

Facility: \_\_\_\_\_

Title: \_\_\_\_\_

Check one:

Full-time: \_\_\_\_\_

Part-time: \_\_\_\_\_

Temporary: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAYSON TAYLOR, KRYSTAL WONGWON-REGIS,  
ANGEL BENITEZ, VICTOR NDUBUISI, and  
PAMELA ALEXANDER, on behalf of  
themselves and others similarly situated,

No. 19-CV-7086 (GHW)

Plaintiffs,

(Jury Trial Demanded)

-against-

NYC HEALTH + HOSPITALS and MITCHELL KATZ,  
in his official capacity as President and Chief Executive  
Officer of NYC HEALTH + HOSPITALS,

Defendants.

-----X

**AMENDED NOTICE OF LAWSUIT  
AGAINST NYC HEALTH + HOSPITALS (SSEU)**

**TO:** All members of SSEU Local 371, District Council 37, AFSCME, AFL-CIO, who have worked in the titles set forth in Exhibit A at NYC Health + Hospitals for any period since July 30, 2016.

**DO NOT DISCARD – PLEASE READ THIS ENTIRE NOTICE**

The purpose of this Notice is to: (1) notify you that a collective action lawsuit under the Fair Labor Standards Act (“FLSA”) has been filed against NYC Health + Hospitals (“H+H”); (2) describe who may be a plaintiff in the lawsuit; (3) inform you that you have the right to join the lawsuit; (4) instruct you how to join the lawsuit should you wish to do so; (5) advise you of how this lawsuit may affect your rights; and (6) inform you of your options for representation in the lawsuit.

**THIS NOTICE AND ITS CONTENTS HAVE BEEN AUTHORIZED BY THE  
FEDERAL DISTRICT COURT, SOUTHERN DISTRICT OF NEW YORK. THE  
COURT HAS TAKEN NO POSITION IN THIS CASE REGARDING THE MERITS OF  
THE PLAINTIFFS' CLAIMS OR DEFENDANTS' DEFENSES. FURTHERMORE,  
RECEIPT OF THIS NOTICE DOES NOT INDICATE THAT YOU HAVE A CLAIM OR  
ARE ENTITLED TO RECOVERY.**

**1. Description of the Collective Action Lawsuit**

On July 30, 2019, Plaintiffs Jayson Taylor, Krystal Wongwon-Regis, Angel Benitez, Victor Ndubuisi, and Pamela Alexander, on behalf of themselves and on behalf of others similarly situated, filed this collective action lawsuit against Defendants H+H and Mitchell Katz,

in his official capacity as President and Chief Executive Officer of H+H. The Complaint alleges that H+H, when compensating employees for performing overtime work at a rate of time-and-a-half, did not include certain contractual additions to the employees' rates like night shift differential or longevity in violation of the FLSA. Because H+H did not include these additions, plaintiffs allege that those employees were underpaid for their overtime work.

The case is in its early stages and does not have a trial date yet. To date, over 200 DC37 members/employees have opted-in to the lawsuit.

## **2. Composition of the Collective Action**

Plaintiffs seek to sue on behalf of themselves and also on behalf of all members of District Council 37, AFSCME, AFL-CIO ("DC 37"), who have worked in the titles set forth in Exhibit A at H+H at any time since July 30, 2016 and who have worked in excess of 40 hours in any week.

## **3. Right to Participate or Not Participate in this Lawsuit**

If you worked in any of the DC 37 represented titles set forth in Exhibit A in the last three years and worked in excess of 40 hours in a workweek, you have the right to participate in this lawsuit. You do **not** need to have any records of your wages or the hours you worked.

You are entitled to participate even if you were not working in this country legally at the time or are currently not working legally. You will not be asked about your immigration status, work permit, or immigration papers, and you do not need to be a documented worker in order to collect any monies recovered from Defendants in this lawsuit.

It is your own decision whether to join the lawsuit by signing the form and mailing it to SSEU Local 371's counsel. Defendants are prohibited from retaliating against you in any way for joining this case, including taking any action based on your immigration status.

If you do not want to join this lawsuit, you do not need to do anything. You will not be included in this lawsuit and will not receive any money from it for your FLSA claim.

## **4. How to Join the Lawsuit**

**To join this lawsuit, you must sign, date, and print your name and address on the attached "Consent to Become Plaintiff" form and mail it to SSEU Local 371's counsel at the below address so that it is postmarked by NOVEMBER 9, 2020, which is the last day that plaintiffs can join or "opt-in" to this lawsuit.**

SSEU Local 371 counsel's address is:

H+H FLSA Collective Action  
Jill Mendelberg  
Kreisberg & Maitland, LLP  
75 Maiden Lane, Suite 603  
New York, NY 10038

Tel: (212) 629-4970  
Fax: (212) 629-4970  
Email: Jill@kmlaw.net

For your convenience, a self-addressed, postage paid envelope is enclosed. Please also fill out and return the enclosed questionnaire as well so that we have your contact information should we need to communicate with you. SSEU Local 371's attorneys will file your consent form with the Court.

Should you have any questions, please contact SSEU Local 371's counsel at the information above or Jeffrey Kreisberg at (212) 629-4970, Jeff@kmlaw.net.

**Please note that if you fail to return the completed form in an envelope postmarked by NOVEMBER 9, 2020, you will not be included in this lawsuit.**

## **5. Effects of Joining the Lawsuit**

If you choose to join this lawsuit, you will become a plaintiff and will be bound by the Court Judgment or settlement, if any, of the parties involved. That is, when the Court decides whether H+H violated the FLSA, that decision will apply to all persons who joined the lawsuit. You also may be asked to provide testimony and information, including producing documents, to help the Court decide if the defendants violated the FLSA.

If you join this lawsuit, you may designate SSEU Local 371's counsel as your attorneys, and you will be entitled to communicate with, provide input, and receive advice directly from them. SSEU Local 371's counsel is being paid on a contingency fee basis, which means that if there is no recovery, the attorneys will not charge you a fee for their service. If there is a recovery, SSEU Local 371's counsel will be paid their reasonable attorneys' fees, expenses, and costs, subject to the approval of the Court.

If you choose **not** to join the lawsuit, you will not be affected by any decisions, judgments or settlement rendered in this case, whether favorable or unfavorable. It is entirely your own decision to join this lawsuit.

## **6. Your Legal Representation if You Join**

Jeffrey Kreisberg, Gary Maitland, Jill Mendelberg and all of Kreisberg & Maitland LLP are representing SSEU Local 371 members who opt-in to this lawsuit. They are handling this matter on a contingency basis, which means that if there is no recovery, the attorneys will not charge you a fee for their services. If there is a recovery, H+H will pay Kreisberg & Maitland, LLP their reasonable attorneys' fees, expenses, and costs, subject to the approval of the Court. These fees and costs will **not** be paid out of your recovery.

You may elect to be represented by SSEU Local 371's counsel or choose your own counsel. If you choose your own counsel, you will be responsible for paying them.

Defendant H+H is represented in this action by the following counsel: The Office of James E. Johnson, Corporation Counsel of the City of New York, 100 Church Street, New York, NY 10007.

**EXHIBIT A**

**CASEWORKER**

**CHILDREN'S COUNSELOR**

**COMMUNITY ASSISTANT**

**HOSPITAL CARE INVESTIGATOR**

**PEER COUNSELOR LEVEL I**

**PEER COUNSELOR LEVEL II**

**SUPERVISING CHILDREN'S COUNSELOR**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JAYSON TAYLOR, KRYSTAL WONGWON-REGIS,  
ANGEL BENITEZ, VICTOR NDUBUISI, and  
PAMELA ALEXANDER, on behalf of  
themselves and others similarly situated,

No. 19-CV-7086 (GHW)

Plaintiffs,

**CONSENT TO BECOME  
PLAINTIFF**

-against-

NYC HEALTH + HOSPITALS and MITCHELL KATZ,  
in his official capacity as President and Chief Executive  
Officer of NYC HEALTH + HOSPITALS,

Defendants.

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I am a member of SSEU Local 371, and am employed by NYC Health + Hospitals (“H+H”) or I was employed by H+H for some period of time since \_\_\_\_\_, worked over 40 hours in at least one week during which my regular shift included at least one hour for which I earned a night shift differential. I hereby consent to become a party plaintiff to the above-captioned action arising out of violations of the Fair Labor Standards Act, 29 U.S.C. section 216 (b).

PLEASE CHOOSE ONE:

- I designate Jeffrey L. Kreisberg, Gary Maitland, Jill Mendelberg, Kreisberg & Maitland, LLP, 75 Maiden Lane, New York, NY 10038, as my attorneys.
- I will retain my own attorney and I understand I am responsible for paying them.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print City, State where signed

\_\_\_\_\_  
Print name above and address below

**ATTORNEY-CLIENT COMMUNICATION & WORK PRODUCT  
PRIVILEGED AND CONFIDENTIAL**

**QUESTIONNAIRE**

**THE INFORMATION ENTERED ONTO THIS QUESTIONNAIRE IS FOR  
PLAINTIFFS' COUNSEL ONLY AND WILL NOT BE MADE PUBLIC**

Are you a DC 37 member? Yes / No (Circle one)

If Yes, Local Union No.: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Phone No.: \_\_\_\_\_

Email: \_\_\_\_\_

Employer: \_\_\_\_\_

Facility: \_\_\_\_\_

Title: \_\_\_\_\_

Check one:

Full-time: \_\_\_\_\_

Part-time: \_\_\_\_\_

Temporary: \_\_\_\_\_